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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 May 2008*.
2a)☒ This action is **FINAL**.            2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-23* is/are pending in the application.
    4a) Of the above claim(s) *1,5,8,10,11,13,14,20 and 21* is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *2-4,7,9,12,15-19,22 and 23* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

# DETAILED ACTION

1.      This action is responsive to communications: Amendment, filed on 5/23/08.

This action is made FINAL.

2.      Claims 2-4, 6, 7, 9, 12, 13 and 15-23 are pending in the case.  Claims 3-5, 8, 10,

15 and 22 are independent claims.  Claims 2, 4, 6, 7, 9, 12 and 15 have been amended.

Claims 16-23 are newly added.

## *Specification*

The following guidelines illustrate the preferred layout for the specification of a
utility application.  These guidelines are suggested for the applicant's use.

### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should
include the following sections in order.  Each of the lettered items should appear in
upper case, without underlining or bold type, as a section heading.  If no text follows the
section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
        DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
        COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
        (1) Field of the Invention.
        (2) Description of Related Art including information disclosed under 37
        CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825.  A
        "Sequence Listing" is required on paper if the application discloses a

nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if
the required "Sequence Listing" is not submitted as an electronic
document on compact disc).

## Claim Rejections - 35 USC § 112

1.     The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.     Claims 2, 4 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement.  The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.  Claim 2 recites "enable substituting objects,

starting with a highest hierarchical level".  Applicant's Specification (p. 3, ll. 12-16)

supports object substitution starting with the lowest hierarchical level.  Claim 4 recites

"placing patient monitors… on a patient" and "generating…objects… from a

corresponding patient monitor", which is not disclosed in the Specification.  Claim 22

recites "inputting data from… patient monitoring devices", "converting input data… into

patient monitor information" and "generate… objects, each… containing information

converted from the input data", which are features not supported by the Applicant's

Specification.

## *Claim Rejections - 35 USC § 102*

1.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.      Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by David

McComb et al, US 6,111,573, 2000.


As per independent claim 3, McComb discloses optimizing the presentation on a display

screen of objects of a user interface (Fig. 8) which can be freely positioned and scaled

(col. 7, ll. 10-15; col. 9, ll. 61-65) by means of control elements by means of a

predetermined calculation rule (i.e. layout rule) in such a manner that the objects can be

automatically changed, in dependence on the object contents (col. 7, ll. 10-21; col. 10,ll.

12-14), selected preferred settings (col. 9,ll. 15-24) and available display resource on

the display screen (col. 9, ll. 62-66), between a minimum readable size and a selected

maximum size in such a manner that optimum filling of the available display screen

surface is achieved (col. 10, ll. 13-20, 35-40; col. 11, ll. 55-65), while suppressing less

important details of the object contents (col. 10, ll. 12-14, 20-24) and while changing the

mode of display of the object contents and/or the object (col. 5, ll. 35-40; col. 9, ll. 25-

40) as well as while avoiding mutual overlapping of the objects, wherein the objects are

ordered in a hierarchy (col. 10, ll. 17-24), an ordering of the hierarchy of combined

objects can be changed (i.e. removing low priority graphic components) (col. 10, ll. 20-

25).

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.      Claim 2 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by R.

Hochstedler, US 6,707,476, 2004.

As per independent claim 22, discloses inputting data from a plurality of patient

monitoring devices (col. 3, ll. 14-21); converting the input data from each of the

monitoring devices into the patient monitoring information (col. 3, ll. 20-25); generating a

plurality of objects (Fig. 2), each object containing the patient monitoring information

converted from the input data from one of the monitoring devices (col. 3, ll. 25-35);

positioning and scaling the objects in a group using a calculation rule (i.e. automatic

switching of the layout to change the display of the control elements) (col. 1, ll. 55-67) in

such a manner that the objects are automatically changeable (col. 1, ll. 55-67) in

dependence on object contents (col. 1, ll. 55-58), selected settings (col. 1, ll. 40-45) and

available display resources on a display screen while avoiding overlapping objects (Fig.

2); in respond to one of the objects ceasing to contain relevant patient monitoring

information, automatically, without user intervention, substituting another object (col. 5,

ll. 20-30; 50-65) and repositioning and rescaling the displayed objects using the

calculation rule (col. 4, ll. 4-11; col. 5, ll. 23-27).

As per dependent claim 2, Hochstedler discloses the objects are arranged within a fixed

hierarchy (i.e. objects are weighted where the weighted objects have a priority) (col. 7,

ll. 5-10; col. 6, ll. 54-55) in order to enable substitution (i.e. suppression) of objects,

starting with the highest (i.e. interpreted as the lowest) hierarchical level (i.e.

weight/priority is used in switching the layout of objects that no longer provide data, e.g.

subtracted sensor or suppressed sensor data) (col. 7, ll. 40-45; col. 5, ll. 25-30).

## *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.      Claims 4, 6, 16-18 and are rejected under 35 U.S.C. 103(a) as being

unpatentable over R. Hochstedler, US 6,707,476, 2004, and further in view of David

McComb et al, US 6,111,573, 2000.

As per independent claim 4, Hochstedler discloses placing patient monitors on at least a

first patient and a second patient (col. 1, 8-10, 20-22; col. 3, ll. 20-25); generating a

plurality of objects, each object containing patient monitoring information from a

corresponding patient monitor (col. 1, ll. 10-15; col. 3, ll. 20-25); positioning and scaling

the control elements with a predetermined calculation rule to (i.e. automatic switching of

the layout to change the display of the control elements) (col. 1, ll. 55-67) form at least a

first group of objects corresponding to the first patient and a second group of objects

corresponding to the second patient (col. 1, ll. 19-25; col. 3, ll. 20-25) in such a manner

that the objects can be automatically changed (col. 1, ll. 55-67) in dependence on object

contents (col. 1, ll. 55-58), selected preferred settings (col. 1, ll. 40-45); displaying the

objects in dependence on the available display resource in such a manner that optimum

filling of the available display screen surface is achieved while avoiding mutual

overlapping of the objects (Fig. 2); displaying the first and second groups of objects on a

display device (col. 3, ll. 20-25).


Hochstedler fails to disclose the objects can be automatically changed, in dependence

on the available display resource on the display screen between a minimum readable

size and a selected maximum size in such a manner that optimum filling of the available

display screen surface is achieved while avoiding mutual overlapping of the objects.


McComb discloses positioning and scaling (col. 7, ll. 10-15; col. 9, ll. 61-65) the control

elements with a predetermined calculation rule (i.e. layout rule) in such a manner that

the objects can be automatically changed, in dependence on the object contents (col. 7,

ll. 10-21; col. 10,ll. 12-14), selected preferred settings (col. 9,ll. 15-24) and available

display resource on the display screen (col. 9, ll. 62-66), between a minimum readable

size and a selected maximum size in such a manner that optimum filling of the available

display screen surface is achieved (col. 10, ll. 13-20, 35-40; col. 11, ll. 55-65) as well as

while avoiding mutual overlapping of the objects.


It would have been obvious to one of ordinary skill in the art at the time of

invention to include McComb's automatically changing objects, in dependence on the

available display resource on the display screen between a minimum readable size and

a selected maximum size in such a manner that optimum filling of the available display

screen surface is achieved while avoiding mutual overlapping of the objects with the

method of Hochstedler because Hochstedler teaches automatically changing objects in

dependence of system capabilities (col. 1, ll. 55-60) where the change in display  of the

objects fills the available display screen surface (Fig. 2).

One of ordinary skill in the art would have been motivated to include McComb's

automatically changing objects, in dependence on the available display resource on the

display screen between a minimum readable size and a selected maximum size in such

a manner that optimum filling of the available display screen surface is achieved while

avoiding mutual overlapping of the objects with the method of Hochstedler for the

benefit of increased control of editing the display layout to meet user needs.

As per dependent claim 6, Hochstedler discloses objects can be automatically substituted among themselves (col. 1, ll. 37-65) as does McComb discloses objects can be automatically substituted among themselves (col. 10, ll. 24-30).

As per dependent claim 16, Hochstedler discloses with the cursor (i.e. pointing device) (col. 1, ll. 12-15), designating one of the objects (Fig. 2 "42"); and, temporarily enlarging the designated object (col. 3, ll. 60-65).

Hochstedler does not specifically disclose generating a cursor on the display screen. It would have been obvious to one of ordinary skill in the art to include generating a cursor on the display screen with the method of Hochstedler because Hochstedler discloses selecting control elements using mechanisms such as a pointing device, e.g. mouse. Official Notice is given that pointing device movement is well known to be echoed on the screen by movements of a cursor.

As per dependent claim 17, Hochstedler discloses in response to one of the objects ceasing to contain relevant patient monitoring information, automatically, without user intervention, substituting another object for the one object (col. 5, ll. 20-30; 50-65).

As per dependent claim 18, Hochstedler discloses when another object is substituted, automatically repositioning and rescaling the objects using the calculation rule (i.e. upon detecting change in system capabilities a new layout with new dimensions is substituted) (col. 4, ll. 4-11; col. 5, ll. 23-27).

3.      Claims 7, 9, 12 and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over David McComb et al, US 6,111,573, 2000, and further in view of R.

Hochstedler, US 6,707,476, 2004.


As per dependent claim 7, McComb discloses optimizing the presentation on a display

screen of objects of a user interface (Fig. 8) which can be freely positioned and scaled

(col. 7, ll. 10-15; col. 9, ll. 61-65) by means of control elements by means of a

predetermined calculation rule (i.e. layout rule) in such a manner that the objects can be

automatically changed, in dependence on the object contents (col. 7, ll. 10-21; col. 10,ll.

12-14), selected preferred settings (col. 9,ll. 15-24) and available display resource on

the display screen (col. 9, ll. 62-66), between a minimum readable size and a selected

maximum size in such a manner that optimum filling of the available display screen

surface is achieved (col. 10, ll. 13-20, 35-40; col. 11, ll. 55-65), while suppressing less

important details of the object contents (col. 10, ll. 12-14, 20-24) and while changing the

mode of display of the object contents and/or the object (col. 5, ll. 35-40; col. 9, ll. 25-

40) as well as while avoiding mutual overlapping of the objects wherein the contents of

an object contain graphic information (col. 4, ll. 12-16) commands and various options

for processing/manipulation (fig. 5; col. 10, ll. 25-35) wherein the objects can temporarily

be displayed in enlarged form (col. 4, ll. 53-57; col. 5, ll. 2-10).

McComb fails to disclose wherein the contents of an object contain static information as

well as dynamically variable information, which Hochstedler discloses (col. 1, ll. 15-35).

McComb also fails to specifically disclose temporarily enlarging objects in dependence

on a given trigger signal which is produced by a control element which is defined by

object selection/object marking, which Hochstedler discloses (col. 1, ll. 12-15; Fig. 2

"42"; col. 3, ll. 60-65).

It would have been obvious for one of ordinary skill in the art at the time of

invention to include Hochstedler's disclosure of contents of an object contain static

information as well as dynamically variable information with the method of McComb

because McComb discloses the display processing data from application programs for

presenting information in windows using text and graphics (col. 2, ll. 25-35), where text

and graphics are exemplary of static and dynamic information.  Additionally, it would

have been obvious to one of ordinary skill in the art to include Hochstedler's temporarily

enlarging objects in dependence on a given trigger signal which is produced by a

control element which is defined by object selection/object marking with the method of

McComb because McComb discloses a user input device for communicating

information to the display device, and enabling user adjustment of magnification

settings, where settings are known to be received via an input device, such that the

combination of known elements yields predictable results.

One of ordinary in the art would have been motivated to include Hochstedler's

disclosure of contents of an object contain static information as well as dynamically

variable information with the method of McComb for the benefit of displaying information

relative to various types of applications.  Additionally, one of ordinary skill in the art

would have been motivated to include Hochstedler's temporarily enlarging objects in

dependence on a given trigger signal which is produced by a control element which is

defined by object selection/object marking with the method of McComb for the benefit of

improving user interaction with display objects.

As per dependent claim 9, McComb discloses wherein respective rectangular surfaces

are provided for the display of the objects on the display screen (col. 10, ll. 55-61).

As per independent claim 12, McComb discloses a device (Fig. 1; col. 4, ll. 22-26) for

implementing the method of claim 7.  Therefore the rationale as applied in the rejection

of claim 7 applies herein.

McComb fails to disclose an input means (i.e. controls) which co-operates with

medical measuring devices which form the statistic and dynamic information of the

objects, which Hochstedler discloses (col. 1, ll. 15-35; col. 3, ll. 55-57).

It would have been obvious to one of ordinary skill in the art at the time of

invention to include Hochstedler's input means (i.e. controls) which co-operates with

medical measuring devices which form the statistic and dynamic information of the

objects with the method of McComb because McComb discloses interacting with

applications via controls in a GUI (col. 2, ll. 30-37, 60-67), where the applications

interact with an operating system of a computing device (col. 3, ll. 1-6).

One of ordinary in the art would have been motivated to include Hochstedler's

input means (i.e. controls) which co-operates with medical measuring devices which

form the statistic and dynamic information of the objects with the method of McComb for

the benefit of controlling the display of application specific information received from a

device.


As per dependent claim 15, the rationale as applied in the rejection of claim 7 applies

herein.


4.      Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over

McComb as applied to claim 7 above, and further in view of Hochstedler, US 6,707,476,

2004 and Troy Ellis et al, US 2003/0210281, 2003.


As per dependent claim 19, McComb discloses wherein the trigger signal is produced

by a cursor touching one of the objects, such that one of the objects is temporarily

enlarged when it is being touched by the cursor (col. 4, ll. 53-57; col. 5, ll. 2-10) as does

Hochstedler (col. 1, ll. 12-15; Fig. 2 "42"; col. 3, ll. 60-65).

McComb and Hochstedler fail to disclose returning the object to its original size when

the cursor no longer touches the one of the objects, which Ellis discloses (i.e. in a

system for displaying thumbnail images having reduced content, enlarging and reducing

display size of the selected image based on respective cursor positioning on and off the

object) (Para 55).

It would have been obvious to one of ordinary skill in the art at the time of invention to

include Ellis' returning the object to its original size when the cursor no longer touches

the one of the objects with the method of McComb in view of Hochstedler because each

discloses display of graphic information within containers displayed together on a

display interface that receives input signals via an input device, e.g. mouse, to enable

user control of the graphic objects, e.g. containers, within the interface, such that the

combination of known elements yields predictable results.

One of ordinary skill in the art would have been motivated to include Ellis' returning the

object to its original size when the cursor no longer touches the one of the objects with

the method of McComb in view of Hochstedler for the advantage of providing increased

user manipulation and display of graphic objects displayed with reduced content.

5.      Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over R.

Hochstedler, US 6,707,476, 2004.

As per dependent claim 23, Hochstedler discloses moving the cursor on the display

screen using a user input device (col. 3, II. 55-65).  The rationale as applied in the

rejection of claim 16 applies herein.

## *Response to Arguments*

6.      Applicant's arguments filed 5/23/08 have been fully considered but they are not

persuasive.

Regarding claim 3, Applicant argues the cited portion of McComb does not disclose

optimal filling of the display screen surface.

In response, McComb discloses evaluating the contents of each contained object (col.

10, ll. 13-20, 35-40), such that in determining layout of the containers for display, each

object is evaluated to see if it fills the current display line.  Based on the evaluation the

layout calculation adjusts the position and scale of the contained objects to fill the

available display area (col. 11, ll. 55-65).  Thus, McComb discloses optimal filling of the

display screen surface.


Regarding claim 3, Applicant argues the cited portion of McComb does not teach

avoiding mutual overlapping of the objects.


In response, McComb discloses applying layout rules that specify position, alignment

and spacing of objects displayed in a window (col. 10, ll. 15-20), such that layout adjusts

the position of objects displayed (col. 9, ll. 61-65) to provide the best view based on the

display capabilities (col. 10, ll. 35-40).  Additionally, in evaluating the objects to

determine layout, McComb discloses determining whether objects should be placed on

a new line based upon whether the line is filled or not by subtracting the space used to

determine the amount of space that remaining available (col. 11, ll. 15-55). Thus, by

providing spacing between objects that are repeatedly laid out in the remaining space of

the display, McComb teaches avoiding mutual overlapping of the objects.

Regarding claim 3, Applicant argues the citation referenced in McComb does not

disclose changing the order of a hierarchy of combined objects.

In response, Applicant's Specification (p. 3, ll. 18-21) discloses the ordering of the

hierarchy of objects can be changed by adding or removing objects. McComb teaches

removing low priority graphic components (col. 10, ll. 20-25). Thus, McComb discloses

changing the order of a hierarchy of combined objects.

7.      Applicant's arguments with respect to claims 4, 6, 7, 12, 16-19 and 22 have been

considered but are moot in view of the new ground(s) of rejection.

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chante Harrison/

Examiner, Art Unit 2628